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Paper No. 9

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**JUN 01 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Birdwell, et al. :  
Application No. 09/727,898 : ON PETITION  
Filed: December 1, 2000 :  
Docket No.: 13DV13419 :

This decision is in response to the petition under 37 C.F.R. § 1.137(b) filed May 21, 2004.

The petition is GRANTED.

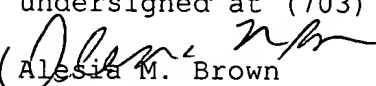
This application became abandoned March 9, 2001 for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed January 8, 2001. The Notice set a two month shortened statutory period of time for reply. No petition for an extension so time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed July 7, 2003.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely reply to the Notice is accepted as having been unintentionally delayed.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

  
Alesia M. Brown  
Senior Petitions Attorney  
Office of Petitions